IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 2299/2006
(Miss Sulochana Yadav Vs. State of Rajasthan & Ors.)

Date of Order : 21/03/2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. K.K.Shah for the petitioner.
Mr. Rameshwar Dave, Deputy Govt. Advocate for respondents.

BY THE COURT:-

By the instant writ petition under Article 226 of the Constitution of India, the petitioner has challenged the order Annex.9 dated 26.4.2006 transferring her from Nagraja to Ghantiali in district Jaisalmer.

I have heard learned counsel for the parties.

It is contended by learned counsel for the petitioner that the petitioner has been appointed as Additional A.N.M. under Reproductive Child Health Project (for short 'RCH Scheme' hereinafter) and in view of Annex.6 dated 13.3.2006 the employees who have been appointed under the RCH Scheme, more particular the A.N.M. are not transferable, whereas the petitioner has been transferred vide order Annex.9 from Nagraja

to Ghantiali.

A reply to the writ petition has been filed by the respondents stating therein that there were certain complaints against the present petitioner with regard to her working and therefore, she has been transferred.

The transfer of the petitioner is obviously in contravention of the order Annx.6 dated 13.3.2006 which clearly provides that as per the Rules, A.N.M. appointed under the RCH scheme shall not be transferred from Headquarter to any other place. Even otherwise, the order of transfer is of April 2006 and for a period of about one year, in view of the interim order of this Court, the petitioner is continuing at the old place of posting. In my view, no useful purpose would be served in allowing the order impugned to stand keeping in view the order Annex.6 dated 13.3.2006.

In the result, the writ petition is allowed. The order Annex.9 dated 26.4.2006 transferring the petitioner from Nagraja to Ghantiali is quashed. There shall be no order as to costs.

(H.R.PANWAR),J.

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